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RESOLUTION NO. 12-188

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90481 (EAST OF RIDGE, SOUTH OF 45TH STREET NORTH) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90481 (EAST OF RIDGE, SOUTH OF 45TH STREET NORTH) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 10-145 adopted on May 25, 2010 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Water Distribution System Number 448-90481 (east of Ridge, south of 45th Street North).

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifteen Thousand Dollars (\$15,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after August 1, 2012, exclusive of the costs of temporary financing.

That in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvements district's share of the cost of the existing water main, such benefit fee to be in the amount of Twenty-Eight Thousand One Hundred Forty-Three Dollars (\$28,143) for Parcel "A" and Six Thousand Eight Hundred Forty-Eight Dollars (\$6,848) for Parcel "B".

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL A

Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas, EXCEPT that part of said Lot 1, described as follows: Beginning at the southeast corner of said Lot 1; thence N88°11'55"W along the south line of said Lot 1, 153.60 feet to a deflection corner in said south line; thence S89°05'07"W along the westerly portion of the south line of said Lot 1, 357.63 feet to the south east corner of Reserve "A" in said Midland Baptist Church 2nd Addition; thence N01°13'41"W along the east line of said Reserve "A", 350.00 feet to the northeast corner of said Reserve "A"; thence N89°05'07"E, parallel with the westerly portion of the south line of said Lot 1, 371.32 feet; thence N01°10'42"W, parallel with the east line of said Lot 1, 599.35 feet; thence N89°05'07"E, parallel with the westerly portion of the south line of said Lot 1, 140.00 feet to a point on said east line; thence S01°10'42"E, along said east line, 956.63 feet to the point of beginning.

PARCEL B

That part of Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas described as follows: Beginning at the southeast corner of said Lot 1; thence N88° 11'55"W along the south line of said Lot 1, 153.60 feet to a deflection corner in said south line; thence S89°05'07"W along the westerly portion of the south line of said Lot 1, 357.63 feet to the south east corner of Reserve "A" in said Midland Baptist Church 2nd Addition; thence N01°13'41"W along the east line of said Reserve "A", 350.00 feet to the northeast corner of said Reserve "A"; thence N89°05'07"E, parallel with the westerly portion of the south line of said Lot 1, 371.32 feet; thence N01°10'42"W, parallel with the east line of said Lot 1, 599.35 feet; thence N89°05'07"E, parallel with the westerly portion of the south line of said Lot 1, 140.00 feet to a point on said east line; thence S01°10'42"E, along said east line, 956.63 feet to the point of beginning.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable, plus the benefit fee, shall be on a fractional basis: PARCEL 'A' shall pay 8,043/10,000 of the total cost of the improvements; and PARCEL 'B' shall pay 1,957/10,000 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 7th day of August, 2012.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM

GARY E. REBENSTORF
DIRECTOR OF LAW